

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

Corrigent Corporation,

Plaintiff,

v.

Cisco Systems, Inc.,

Defendant.

Civil Action No. 6:22-cv-00396-ADA

**JURY TRIAL DEMANDED**

**OMNIBUS ORDER REGARDING PRE-TRIAL MOTIONS**

After considering the briefing and the oral arguments at the June 24, 2024 and July 3, 2024 pretrial conferences, the Court hereby memorializes the following rulings on the pending motions and motions *in limine* for the above-captioned case:

**DISPOSITIVE MOTIONS, DAUBERT MOTIONS, AND MOTIONS TO STRIKE**

<b>Moving Party</b>	<b>ECF No.</b>	<b>Title</b>	<b>Ruling</b>
Defendant Cisco	94	Defendant Cisco Systems, Inc.'s Motion for Judgment on the Pleadings Under Fed. R. Civ. P. 12(c)	<b>Granted without prejudice, with leave for Corrigent to amend its pleadings.</b>
Defendant Cisco	136	Defendant Cisco Systems, Inc.'s Motion for Summary Judgment of Non-infringement of U.S. Patent No. 7,113,485	<b>Pending (but may be denied as moot)</b>
Defendant Cisco	138	Defendant Cisco Systems, Inc.'s Motion for Summary Judgment of Non-infringement of U.S. Patent No. 6,957,369	<b>Denied as moot</b>
Defendant Cisco	140	Defendant Cisco Systems, Inc.'s Motion for Summary Judgment of Non-Infringement of U.S. Patent No. 9,118,602	<b>Denied</b>

<b>Moving Party</b>	<b>ECF No.</b>	<b>Title</b>	<b>Ruling</b>
Defendant Cisco	142	Defendant Cisco Systems, Inc.'s Motion to Strike Portions of the Opening and Reply Reports of Dr. Akl	<b>Pending (but may be denied as moot)</b>
Plaintiff Corrigent	144	Plaintiff Corrigent Corporation's <i>Daubert</i> Motion regarding Apportionment and Cisco Patents	<b>Pending</b>
Plaintiff Corrigent	145	Plaintiff Corrigent Corporation's Motion for Summary Judgment on Ownership and Unclean Hands	<b>Granted</b>
Plaintiff Corrigent	146	Plaintiff Corrigent Corporation's Motion for Summary Judgment of No Invalidity of U.S. Patent No. 7,593,400 for Lack of Written Description and Enablement	<b>Denied as moot</b>
Plaintiff Corrigent	148	Plaintiff Corrigent Corporation's Motion for Summary Judgment of No Invalidity of the Asserted Claims of the '369, '400, and '485 Patents under 35 U.S.C. § 101	<b>Denied as to '369 and '485 patents; granted as to '400 patent.</b>
	285, 291	Supplemental claim construction relating to '400 patent	<b>All asserted claims require an order of steps that 1[e] must occur before 1[f] and 1[g] (and the corresponding limitations in claim 11 require the same order) and "first line card" to be only the egress line card</b>
Defendant Cisco	150	Defendant Cisco Systems, Inc.'s Motion for Summary Judgment of No Infringement and No Written Description of U.S. Patent No. 7,593,400	<b>Granted as to no infringement; denied as moot as to no written description.</b>
Defendant Cisco	152	Defendant Cisco Systems, Inc.'s Motion for Summary Judgment that Plaintiff Corrigent Corporation Lacks Standing	<b>Denied</b>

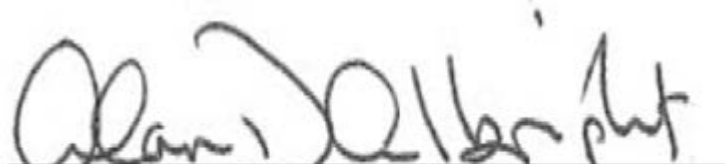
<b>Moving Party</b>	<b>ECF No.</b>	<b>Title</b>	<b>Ruling</b>
Defendant Cisco	153	Defendant Cisco Systems, Inc.'s <i>Daubert</i> Motion to Exclude the Damages-Related Opinions of Dr. Robert Akl and Mr. Walter Bratic	<b>Granted</b>
Defendant Cisco	155	Defendant Cisco Systems, Inc.'s Motion to Exclude the Expert Testimony of David Hahn	<b>Denied as moot</b>
Plaintiff Corrigent	156	Plaintiff Corrigent Corporation's Motion to Strike Portions of Technical Expert Reports Replying on Non-Elected Prior Art and Infringement Contentions	<b>Pending</b>
Plaintiff Corrigent	170	Plaintiff Corrigent Corporation's Motion to Strike Dr. Jeffay's Supplemental Expert Report	<b>Pending (but may be denied as moot)</b>
Defendant Cisco	233	Defendant Cisco Systems, Inc.'s Motion to Strike Dr. Akl's Supplemental Expert Report	<b>Pending (but may be denied as moot)</b>
Defendant Cisco	277	Defendant Cisco Systems, Inc.'s Motion for Leave to File Supplemental Brief to Exclude Hahn Testimony	<b>Pending (but may be denied as moot)</b>

**MOTIONS *IN LIMINE***

<b>Motion</b>	<b>Ruling</b>
Plaintiff Corrigent MIL NO. 1: Exclude All Evidence and Arguments Regarding Unclean Hands	<b>Denied, but subject to the Court's orders at the pretrial conferences.</b>
Plaintiff Corrigent MIL NO. 2: Exclude Improper Lay Witness Infringement and Invalidity Opinions	<b>Pending</b>
Plaintiff Corrigent MIL NO. 3: Exclude Undisclosed Non-Infringement and Invalidity Theories	<b>Pending</b>
Plaintiff Corrigent MIL NO. 4: Exclude Evidence or Arguments Regarding The Prosecution Histories	<b>Pending</b>
Plaintiff Corrigent MIL NO. 5: Exclude Evidence, Testimony, or Arguments Regarding Cisco's Patents	<b>Denied, but subject to the Court's orders at the pretrial conferences.</b>

Motion	Ruling
Defendant Cisco Motion in Limine # 1: Exclude the written hearsay statements from Lior Dagan and Aviv Boim—prepared just months ago for the purposes of this litigation—and any argument or opinions that rely on them.	<b>Denied as moot</b>
Defendant Cisco Motion in Limine # 2: Exclude pre-suit correspondence except as related to the '485 patent, because Corrigan dismissed its claims of pre-suit indirect and willful infringement as to all other patents-in-suit.	<b>Pending</b>
Defendant Cisco Motion in Limine # 3: Exclude evidence relating to Cisco's unaccused products, including testimony from Dr. Akl that Cisco's unaccused DNA software infringes, contributes to infringement, or satisfies a claim element of any asserted patent and testimony from Mr. Bratic regarding damages calculations that include DNA software revenue in the damages base.	<b>Denied as moot. Corrigan agrees not to assert that DNA software infringes or include DNA software revenue in the damages base, thus Cisco's MIL No. 3 is moot.</b>
Defendant Cisco Motion in Limine # 4: No reference to Party's or Party's counsel's prior work with experts in other cases.	<b>Pending</b>
Defendant Cisco Motion in Limine # 5: No reference to the presumption of validity and the clear and convincing evidence standard that is beyond what is stated in the jury instructions.	<b>Pending</b>

SIGNED this 17th day of July, 2024.

  
 ALAN D ALBRIGHT  
 UNITED STATES DISTRICT JUDGE